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May 1, 2012

VIA ELECTRONIC FILING

Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

**Re: Chana Taub v. Lori Lapin Jones, as Chapter 11 Trustee
of the Estate of Chana Taub
Case No.: 12-cv-2009 (WFK)**

Dear Judge Kuntz:

We are counsel to Simon Taub. We are writing this letter in light of Chana Taub's argument that the Bankruptcy Court's Orders of Sale should be stayed because Ms. Taub's appeal to the State Court Appellate Division, from the Decision and Order of New York State Court Justice D'Emic, also ordering the sales, may result in the overturning of Judge D'Emic's Order.

We enclose copies of at least three decisions (there are possibly more) of the Appellate Division, Supreme Court of the State of New York dated June 28, 2011, August 26, 2011, November 3, 2011 all denying Ms. Taub's prior applications for a stay pending appeal of Judge D'Emic's Order, wherein Ms. Taub also argued that the stay should be granted based on the merits of her appeal. We incorporate the balance of the Trustee's opposition on this issue, rather than burden the Court.

Respectfully Submitted,

s/ Leo Fox

Leo Fox

cc: Ronald Friedman, rfriedman@silvermanacampora.com
Lori Lapin Jones, ljones@jonespllc.com
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Chana Taub, taubchana@gmail.com

Taub v Taub

Motion No: 2011-05289

Slip Opinion No: 2011 NY Slip Op 76864(U)

Decided on June 28, 2011

Appellate Division, Second Department, Motion Decision

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M122203

E/sl

REINALDO E. RIVERA, J.P.

JOSEPH COVELLO

ANTTA R. FLORIO

PLUMMER E. LOTT, JJ.

2011-05289

Chana Taub, appellant,

v Simon Taub, respondent.

(Index No. 26534/07)

DECISION & ORDER ON MOTION

Motion by the appellant, *inter alia*, to stay enforcement of any judgment entered upon a decision of the Supreme Court, Kings County, dated April 22, 2011, to the extent that the judgment affects the conveyance or distribution of real property, pending hearing and determination of an appeal from the decision.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that on the Court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (see *Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic.

RIVERA, J.P., COVELLO, FLORIO and LOTT, JJ., concur.

ENTER:

Matthew G. Kiernan

Clerk of the Court

Taub v Taub
Motion No: 2011-05289
Slip Opinion No: 2011 NY Slip Op 76864(U)
Decided on June 28, 2011
Appellate Division, Second Department, Motion Decision
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M122203

E/sl

REINALDO E. RIVERA, J.P.

JOSEPH COVELLO

ANITA R. FLORIO

PLUMMER E. LOTT, JJ.

2011-05289

Chana Taub, appellant,

v Simon Taub, respondent.

(Index No. 26534/07)

DECISION & ORDER ON MOTION

Motion by the appellant, inter alia, to stay enforcement of any judgment entered upon a decision of the Supreme Court, Kings County, dated April 22, 2011, to the extent that the judgment affects the conveyance or distribution of real property, pending hearing and determination of an appeal from the decision.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

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Taub v Taub

ORDERED that on the Court's own motion, the appeal is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (see *Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that the motion is denied as academic.

RIVERA, J.P., COVELLO, FLORIO and LOTT, JJ., concur.

ENTER:

Matthew G. Kiernan

Clerk of the Court

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

M125045
E/sl

JOSEPH COVELLO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2011-06914

DECISION & ORDER ON MOTION

Chana Taub, appellant,
v Simon Taub, respondent.

(Index No. 26534/07)

Motion by the appellant to stay enforcement of a judgment of the Supreme Court, Kings County, dated July 27, 2011, pending hearing and determination of an appeal therefrom.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is denied.

COVELLO, J.P., ANGIOLILLO, CHAMBERS and HALL, JJ., concur.

ENTER:

Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

August 26, 2011

TAUB v TAUB

Taub v Taub
Motion No: 2011-06914
Slip Opinion No: 2011 NY Slip Op 82155(U)
Decided on August 26, 2011
Appellate Division, Second Department, Motion Decision
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M125045

E/sl

JOSEPH COVELLO, J.P.

DANIEL D. ANGIOLILLO

CHERYL E. CHAMBERS

L. PRISCILLA HALL, JJ.

2011-06914

Chana Taub, appellant,

v Simon Taub, respondent.

(Index No. 26534/07)

DECISION & ORDER ON MOTION

Motion by the appellant to stay enforcement of a judgment of the Supreme Court, Kings County, dated July 27, 2011, pending hearing and determination of an appeal therefrom.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

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Taub v Taub

ORDERED that the motion is denied.

COVELLO, J.P., ANGIOLILLO, CHAMBERS and HALL, JJ., concur.

ENTER:

Matthew G. Kiernan

Clerk of the Court

Taub v Taub
Motion No: 2011-06914
Slip Opinion No: 2011 NY Slip Op 88836(U)
Decided on November 3, 2011
Appellate Division, Second Department, Motion Decision
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M128416

E/sl

DANIEL D. ANGIOLILLO, J.P.

CHERYL E. CHAMBERS

L. PRISCILLA HALL

SANDRA L. SGROI, JJ.

2011-06914

Chana Taub, appellant,

v Simon Taub, respondent.

(Index No. 26534/07)

DECISION & ORDER ON MOTION

Motion by the appellant to stay enforcement of a judgment of the Supreme Court, Kings County, dated July 27, 2011, insofar as it affects the conveyance, distribution, or sale of certain real property, pending hearing and determination of an appeal therefrom. Cross motion by the respondent to impose a sanction upon the appellant, and for an award of costs and an attorney's fee.

Upon the papers filed in support of the motion and the cross motion, and the papers filed in opposition thereto, it

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Taub v Taub

is

ORDERED that the motion and cross motion are denied.

ANGIOLILLO, J.P., CHAMBERS, HALL and SGROI, JJ., concur.

ENTER:

Matthew G. Kiernan

Clerk of the Court